

REMARKS

Applicant has carefully reviewed the Office Action mailed July 1, 2004. Claims 1-22 are pending and have been rejected. Applicant respectfully traverses these rejections. Claims 1, 5 and 12 have been amended and claims 23-24 have been added.

As a preliminary matter, Applicant brings to the Examiner's attention that formal drawings were submitted on December 27, 2001, but there has been no indication of approval of the drawings by the Examiner or the Official Draftsman. Applicant requests that the Examiner/Official Draftsman indicate approval or non-approval of the formal drawings with the next PTO communication.

Claim Rejections under 35 U.S.C. § 102

Claims 1-5, 11-13 and 20-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Jansen et al., U.S. Patent No. 6,368,316 (hereinafter Jansen). Applicant respectfully disagrees and traverses the rejection.

Claims 1, 5 and 12 have been amended to include a limitation that the raised pattern on an outer surface of a catheter shaft includes a plurality of raised shapes or bearing points. As recited in all three of these independent claims, these shapes or bearing points are separated when the catheter shaft is not under torque and adjacent shapes or bearing points move toward one another when the catheter shaft is placed under torque. Jansen does not disclose a raised pattern comprising a plurality of raised shapes or bearing points wherein adjacent raised shapes or bearing points are separated when the shaft is not being torqued and wherein at least two adjacent raised shapes or bearing points move toward one another when the shaft is torqued.

The Examiner apparently equates the coils in Jansen with a "raised pattern" as recited in the current application. Applicant does not take a position in this paper on whether these coils

can be considered a “raised pattern.” However, even if these coils could be considered “raised patterns,” they do not comprise a plurality of raised shapes or bearing points that are separated when the shaft is not under torque and that move toward one another when the shaft is placed under torque. Because Jansen does not disclose all of the limitations of independent claims 1, 5 and 12, Applicant respectfully asserts that Jansen cannot anticipate these claims. *See* M.P.E.P. §2131. Because dependent claims 2-4, 11-13, 20-22 and new claims 23-24 are dependent on these allowable claims and because they contain additional patentably distinct elements, Applicant respectfully asserts that these dependent claims are also allowable.

Claim Rejections under 35 U.S.C. § 103

Claims 6-10 and 14-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jansen. Applicant respectfully traverses this rejection. As mentioned above, Applicant asserts that Jansen does not contain each and every element of independent claims 5 and 12. In order for a reference to render a claim obvious, each and every element must be disclosed in the prior art. *See* M.P.E.P. §2143.03. Because all elements of independent claims 5 and 12 are not disclosed in Jansen, all elements of dependent claims 6-10 and 14-19 are also not disclosed, and Applicant respectfully asserts that Jansen cannot render these claims obvious. Applicant, therefore, submits that these claims are patentable.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jansen in view of Moore et al., U.S. Patent No. 4,669,465 (herein after Moore). Again, Jansen does not disclose at least the elements of claim 12 of a raised pattern comprising a plurality of raised shapes wherein adjacent raised shapes are separated when the shaft is not being torqued and wherein at least two adjacent raised shapes move toward one another when the shaft is torqued. Moore does not disclose these missing elements. Because claim 14 is dependent on claim 12,

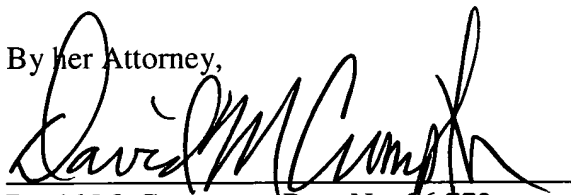
and because claim 14 recites additional patentably distinct elements, Applicant asserts that claim 14 is patentable over Jansen in view of Moore.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Tracee E.J. Eidenschink

By her Attorney,

A handwritten signature in black ink, appearing to read "David M. Crompton", written over a horizontal line.

David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: _____

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